

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 3734	<div><u>CERTIFICATE OF MAILING</u> <u>UNDER 37 C.F.R. § 1.8</u> DATE OF DEPOSIT: <u>July 22, 2010</u> I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being submitted on the date indicated above via: <input checked="" type="checkbox"/> EFS Web <input type="checkbox"/> facsimile to _____ <input type="checkbox"/> the United States Postal Service with sufficient postage as first class mail addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. _____ (Christopher L. Johnson/ Christopher L. Johnson</div>
EXAMINER: Todd E. Manahan	
FIRST NAMED INVENTOR: Earl C. Downey	
SERIAL NO.: 10/551,363	
FILED: 9/28/2005	
CONF. NO.: 3075	
FOR: SURGICAL INSTRUMENT WITH TRIGGER CONTROL	
DOCKET NO.: 01630-21317.PCT.US	

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STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant would like to thank the Examiner for the in-person interview granted and held on June 17, 2010. This Statement of the Substance of the Interview is responsive to the Interview Summary provided, and mailed out on June 22, 2010. Participants included the Examiner's Supervisor, Todd Manahan; Applicant, Dr. Earl Downey; and Applicant's representative, Christopher Johnson.

During the interview Applicant and Supervisory Examiner discussed claims 1-21, as well as the cited prior art references to Dumontelle, Freeman, Hollender, Smith and Shatt. Applicant and the Supervisory Examiner discussed the distinguishing features of the invention, as compared to the cited prior art references. An agreement with respect to the claims was reached in that the

Supervisory Examiner agreed that an amendment to the claims to recite that the translating shaft of the finger actuator extends from the finger receiving portion in opposite directions along the same axis, and that the translating shaft extends beyond the aperture would be allowable over the prior art of record. Amendments to the specification and the drawings were also discussed, which amendments are made and discussed herein. The Supervisory Examiner suggested that Applicant submit an after final amendment to present the amendments and to make of record the patentability of the claims over the current rejections. No other pertinent matters were discussed.

Applicant would like to respectfully point out that although the essence of the agreement with respect to the claims set forth in the Interview Summary is correct, the wording in the Interview Summary does not accurately describe the invention. In the Interview Summary, the Supervisory Examiner states, “amendment to the claims to recite that the shaft and the rod extend from the finger actuator in opposite directions and along the same longitudinal axis and that the shaft extends beyond the aperture...” This statement improperly suggests that the rod is part of the finger actuator. Rather, applicant would like to clarify that the translating shaft, which is part of the finger actuator, is the structural element that extends in opposing directions along the same axis, and that the translating shaft extends as such from the finger receiving portion of the finger actuator. The finger actuator, and particularly the translating shaft, is operable with the rod, which is supported within the elongated tubular portion of the device.

DATED this 22nd day of July, 2010.

Respectfully submitted,

/Christopher L. Johnson/

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